

SN 10607786

IFW

Dear Mr. Husar

This is a letter challenging an amendment made to the US patent 6,857,770. The amendment docket number is 0218650101D3US.

As the following letter will demonstrate, this amendment is prior art and in no way are there any inventive features in what is claimed.

The first claim of the amendment, claim number 66 of the original patent states

‘A flying disc comprising:

A disc-shaped body member having a first surface and a second surface and terminating at its periphery in an annular rim; said first surface being essentially flat; said rim extending in a direction substantially away from the plane of said first surface and together with said second surface defining a semi-enclosed space;

An electronics assembly located on said second surface within said semi-enclosed space, said electronics assembly including an electronic power source, a light source connected to said power source, and an optical fibre located to receive light from said light source; and a rib on said second surface, said optical fibre attached to said rib.’

This claim is essentially identical to that of a product belonging to Terry Gudgel patent number 4,301,616 (see accompanying material)

If we now dissect this claim it will become more obvious;

Firstly the amendment states:

‘A flying disc comprising:

A disc-shaped body member having a first surface and a second surface and terminating at its periphery in an annular rim; said first surface being essentially flat; said rim extending in a direction substantially away from the plane of said first surface and together with said second surface defining a semi-enclosed space;’

The Gudgel patent states

‘A toy of the Frisbee type comprising a circular body of generally dished shape having a rim’

Then in the description of the preferred embodiment the Gudgel patent states.

‘The main body of the device, indicated in general at 11, is a circular outline, and of any appropriate diameter, such for example as about 10 inches, as conventional in frisbees to be thrown through the air from one person to another. The body is moulded from any conventional mouldable plastic material. It has a top wall which is flat to a considerable extent, except as its central portion, the flat part being illustrated at 13. The marginal edges curve downwardly as at 15, terminating in a thickened marginal flange 17.’

Both of these patents are relating to what we best know as a flying disc or Frisbee to be thrown through the air for mainly recreational purposes.

The amendment claim then states;



Dear Mr Husar,

The following documentation is in regards to two amendment applications which were filed by Playhard on the 15th March 2006. The amendment applications were made for docket numbers:

'0218650101D2US' and
'0218650101D3US'

We strongly believe that the following documentation will prove that the above two amendments are prior art. Thus we ask that their validity be questioned.

Please find attached with this cover letter the following:

- Two letters challenging the validity of the said amendments
- A copy of the Terry Gudgel patent 4,301,616 ✓
- A copy of the S.Johnson and J.Wards patent 3,786,246
- A copy of the original Moore Patent 6,857,770
- Copies of the two filed amendments.

Your consideration of and feedback to the challenging letters would be most appreciated.

Furthering consideration to the above, we would be most appreciative if you could notify us regarding any further amendments being made to patent number 6,857,770.

Kind regards

Mathew Mowbray

A handwritten signature in black ink, appearing to read "M Mowbray".



An electronics assembly located on said second surface within said semi-enclosed space'

From the pictures, the description of the preferred embodiment, and the claims it is very clear that the Gudgel patent has an electronic housing located on the underside surface of the disc. It is also clear that both patents are referring to a light up disc using LED's and fibre optics.

The amendment then states that;

'said electronics assembly including an electronic power source, a light source connected to said power source, and an optical fibre located to receive light from said light source;'

This is identical to the Gudgel patent. It has a light source, a power source connected to the light source and an optical fibre located to receive light from the light source.

Lastly the amendments first claim states;

'a rib on said second surface, said optical fibre attached to said rib'

This is also identical to the Gudgel patent which states.

'Thin optical filaments set in grooves in a face of said body'

In the preferred embodiment it goes on to state, and shows diagrams of this groove being set on the second surface and the preferred form of light guides being optical fibres.

Also we would like to draw attention to the fact that this amendment is missing all the inventive features from the original patent. In this original patent the inventive features are as follows:

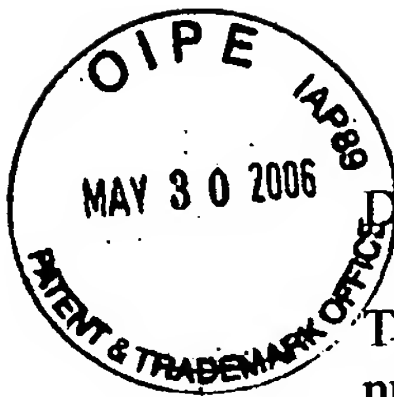
- A singular LED
- Fibre optics embedded in the LED dielectric casing.
- LED legs directly touching the power source.

In the amendment none of these inventive features are mentioned, rather they have been deleted in the original claims which in turn has left only prior art.

In general this amendment is identical in even the smallest details to prior art and we would like this to be taken into consideration when assessing its validity.

Kind Regards

Mathew Mowbray



Dear Mr Husar

The following report is in regards to the second amendment filed by Playhard. Docket number 0218650101D2US

As with the first report I will compare the amendment to prior art and in particular to a US patent.

With regards to this amendment there is a considerable amount of prior art which fits exactly into what is claimed, however for ease of understanding I will only compare it to one patent, that of S.Johnson and J.Ward patent number 3,786,246 (see accompanying material)

It is clear here as in the first report that both the amendment and the prior art are referring to an illuminated flying disc or Frisbee.

The claim then goes on to state in the amendment that:

‘An electronics housing centrally located in said second surface, located entirely within said semi-enclosed space with no portion thereof protruding from said first surface, and having a maximum external housing radius of one-fourth or less of the radius of said annular rim,’

This is identical to patent 3,786,246 it has an electronics housing centrally located on the bottom surface of the disc (This is easiest to see by looking at the images). This compartment is within the semi-enclosed space and has a maximum external radius well under the one-fourth diameter of the rim.

The amendment then goes on to state:

‘Said electronics housing enclosing a power source’

The 3,786,246 patent has the power source also located in the central housing.

The amendment lastly states:

‘An electronic source of light connected to said power source and located entirely within said semi-enclosed space.’

From the pictures and accompanying material it is clear that the LED’s are also located within the semi-enclosed space on the 3,786,246 patent.

Thus this amendment is clearly prior art and we would like this to be taken into consideration when assessing its validity.

Kind Regards
Mathew Mowbray



Application No. Not Yet Assigned
Amendment dated March 15, 2006
First Preliminary Amendment

Docket No.: 021865.0101D2US

CLAIMS

1. A flying disc comprising:
a disc-shaped body member having a first surface and a second surface and terminating at its periphery in an annular rim; said first surface being essentially flat; said rim extending in a direction substantially away from the plane of said first surface and together with said second surface defining a semi-enclosed space;
an electronics housing centrally located on said second surface, located entirely within said semi-enclosed space with no portion thereof protruding from said first surface, and having a maximum external housing radius of one-fourth or less of the radius of said annular rim; said electronics housing enclosing a power source; and
an electronic source of light connected to said power source and located entirely within said semi-enclosed space.
2. A flying disc as in claim 1 wherein said maximum external radius of said electronics housing is one-fifth or less of the radius of said annular rim.
3. A flying disc as in claim 1 wherein said maximum external radius of said electronics housing is one-seventh or less of the radius of said annular rim.
4. A flying disc as in claim 1 wherein said electronics housing is circular.
5. A flying disc as in claim 2 wherein said external radius of said circular electronics housing ranges from 0.75 inches to 1.5 inches.
6. A flying disc as in claim 1 wherein said power source comprises a battery; said electronic source of light comprises a light emitting diode (LED), and said flying disc further includes an optical fiber located to receive light from said light source; said optical fiber located entirely within said semi-enclosed space.
7. A flying disc as in claim 6 and further including a dual battery adapter and there are two of said batteries located in said adapter.

Application No. Not Yet Assigned
Amendment dated March 15, 2006
First Preliminary Amendment

Docket No.: 021865.0101D2US

8. A flying disc as in claim 1 and further including at least one rib attached to said second surface and an optical fiber located to receive light from said light source and attached to said rib.
 9. A flying disc as in claim 1 wherein said electronic power source includes a light switch.
- Claims 10 - 38 (Canceled)
39. A method of making an illuminated flying disc, said method comprising:
providing a gliding body having a disc-shaped member and an annular rim integrally formed with said disc-shaped member; said annular rim extending in a direction substantially away from the plane of said disc-shaped member; the inner surface of said rim and the lower surface of said disc-shaped member defining a semi-enclosed space; said gliding body including an aerodynamic surface including the upper surface of said disc-shaped member and the outer surface of said annular rim; and
integrating an electronic illumination system into said flying disc without altering the aerodynamic properties of said aerodynamic surface.
 40. A method as in claim 39 and further including forming aerodynamic ridges in said aerodynamic surface.
- Claims 41 - 65 (Canceled)
66. A flying disc as in claim 1 wherein said power source comprises a circular battery located in a plane substantially parallel to said first surface and substantially on the axis of said disc.
 67. A flying disc as in claim 66 wherein said power source comprises two of said circular batteries.
 68. A method as in claim 39 wherein said integrating comprises locating a circular battery substantially on the axis of said disc in a plane substantially perpendicular to said axis.

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69. A method as in claim 68 wherein said locating comprises locating two of said circular batteries substantially on the axis of said disc and in planes substantially perpendicular to said axis.



Application No. Not Yet Assigned
Amendment dated March 15, 2006
First Preliminary Amendment

Docket No.: 021865.0101D2US

CLAIMS

1. A flying disc comprising:
a disc-shaped body member having a first surface and a second surface and terminating at its periphery in an annular rim; said first surface being essentially flat; said rim extending in a direction substantially away from the plane of said first surface and together with said second surface defining a semi-enclosed space;
an electronics housing centrally located on said second surface, located entirely within said semi-enclosed space with no portion thereof protruding from said first surface, and having a maximum external housing radius of one-fourth or less of the radius of said annular rim, said electronics housing enclosing a power source; and
an electronic source of light connected to said power source and located entirely within said semi-enclosed space.
2. A flying disc as in claim 1 wherein said maximum external radius of said electronics housing is one-fifth or less of the radius of said annular rim.
3. A flying disc as in claim 1 wherein said maximum external radius of said electronics housing is one-seventh or less of the radius of said annular rim.
4. A flying disc as in claim 1 wherein said electronics housing is circular.
5. A flying disc as in claim 2 wherein said external radius of said circular electronics housing ranges from 0.75 inches to 1.5 inches.
6. A flying disc as in claim 1 wherein said power source comprises a battery, said electronic source of light comprises a light emitting diode (LED), and said flying disc further includes an optical fiber located to receive light from said light source, said optical fiber located entirely within said semi-enclosed space.
7. A flying disc as in claim 6 and further including a dual battery adapter and there are two of said batteries located in said adapter.

Application No. Not Yet Assigned
Amendment dated March 15, 2006
First Preliminary Amendment

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8. A flying disc as in claim 1 and further including at least one rib attached to said second surface and an optical fiber located to receive light from said light source and attached to said rib.
 9. A flying disc as in claim 1 wherein said electronic power source includes a light switch.
- Claims 10 - 38 (Canceled)
39. A method of making an illuminated flying disc, said method comprising:
providing a gliding body having a disc-shaped member and an annular rim integrally formed with said disc-shaped member; said annular rim extending in a direction substantially away from the plane of said disc-shaped member; the inner surface of said rim and the lower surface of said disc-shaped member defining a semi-enclosed space; said gliding body including an aerodynamic surface including the upper surface of said disc-shaped member and the outer surface of said annular rim; and
integrating an electronic illumination system into said flying disc without altering the aerodynamic properties of said aerodynamic surface.
 40. A method as in claim 39 and further including forming aerodynamic ridges in said aerodynamic surface.
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66. A flying disc as in claim 1 wherein said power source comprises a circular battery located in a plane substantially parallel to said first surface and substantially on the axis of said disc.
 67. A flying disc as in claim 66 wherein said power source comprises two of said circular batteries.
 68. A method as in claim 39 wherein said integrating comprises locating a circular battery substantially on the axis of said disc in a plane substantially perpendicular to said axis.

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69. A method as in claim 68 wherein said locating comprises locating two of said circular batteries substantially on the axis of said disc and in planes substantially perpendicular to said axis.